

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**JAMES BOSWELL,**

**Plaintiff,**

**V.**

**GREG ABBOTT, GOVERNOR OF TEXAS; IN HIS OFFICIAL AND INDIVIDUAL CAPACITY; CITY OF FORT WORTH TEXAS, UNITED STATES FEDERAL BUREAU OF INVESTIGATIONS, OFFICE OF THE ATTORNEY GENERAL FOR TEXAS, TEXAS SECRETARY OF STATE, CHARLIE BAKER, PRESIDENT OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION; TEXAS STATE BOARD OF EDUCATION, TEXAS EDUCATION AGENCY, SCOTT MURI, SUPERINTENDENT OF ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT; U.S. DEPARTMENT OF VETERAN AFFAIRS, CONTRACTOR QUALITY TIMELY COMMITMENT, DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES;**

**Defendants.**

**CIVIL NO. A-24-CV-00583-ADA**

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Susan Hightower. ECF No. 52. The report recommends State Defendants' (Defendants Abbott, the office of the Attorney General of Texas, the Texas Secretary of State, and the TEA), Defendant City of Fort Worth's, Defendant Charlie Baker's, and Defendant Scott Muri's respective Motions

to Dismiss (ECF Nos. 7, 8, 22, and 24, respectively) be granted<sup>1</sup> and Plaintiff's Complaint be dismissed with prejudice. *Id.* at 8. The report further recommends that State Defendants' Opposed Motion to Strike (ECF No. 43) be granted and that Plaintiff James Boswell be declared a vexatious litigant and barred from filing any future actions in the Western District of Texas without receiving written leave from a federal judge for this district or from the Fifth Circuit. *Id.* Upon consideration, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** this action. James Boswell is declared a vexatious litigant and barred from filing suit in this District without first seeking leave of Court to file.

## II. LEGAL STANDARD

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). Plaintiff filed its objections on February 7, 2025. ECF No. 54.

## III. DISCUSSION

Plaintiff timely filed objections to the Report and Recommendation. ECF No. 54. However, these objections are not specific and are largely irrelevant. *See id.* In short, Plaintiff's objections lack specificity and therefore do not satisfy the requirements of Rule 72(b). However, even under

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<sup>1</sup> The Report and Recommendation cites ECF Nos. 7, 8, 20, and 22 in recommending that Defendants' Motions to Dismiss be granted. *Id.* at 8. It is clear from the Report and Recommendation that the Magistrate Judge intended to cite ECF No. 24 (Defendant Scott Muri's Motion to Dismiss) rather than ECF No. 20.

a *de novo* review of the Motions to Dismiss, the responses, the Report and Recommendation, the objection to the Report and Recommendation, and the applicable laws, the Court concludes that the Magistrate Judge's findings and recommendation should be adopted.

#### IV. CONCLUSION

Accordingly, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Hightower (ECF No. 52).


**IT IS HEREBY ORDERED** that Defendants' Motions to Dismiss (ECF Nos. 7, 8, 22, and 24) are **GRANTED** in accordance with the Report and Recommendation.

**IT IS FURTHER ORDERED** that Plaintiff's objections are **OVERRULED**.

**IT IS FURTHER ORDERED** that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Plaintiff is declared a vexatious litigant for the reasons set forth in the Report and Recommendation and is **ENJOINED** from filing any civil lawsuit in the Western District of Texas without receiving written leave from a federal judge for this district or from the Fifth Circuit.

**SIGNED** this 20th day of February, 2025.

  
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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE